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Attorneys for Respondent

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICHARD DIAZ.

Petitioner.

C 07-2612 VRW (PR)

ANSWER TO ORDER TO SHOW CAUSE

DERRAL ADAMS, Warden,

Respondent.

20 Respondent answers the petition for writ of habeas corpus as follows:

I.

CUSTODY

Petitioner is in the lawful custody of the California Department of Corrections and Rehabilitation after a conviction of robbery Cal.Pen. Code 211 and of unlawful use of a badge. Cal. Penal Code 538d(b)(2). With the addition of recidivist enhancements, petitioner was sentenced to a total unstayed term of 15 years.

II**EXHAUSTION**

The California Court of Appeal affirmed the conviction and denied a petition for writ of habeas corpus. The California Supreme Court denied review. Petitioner has no available and unexhausted state remedies.

III**RECORDS SUBMITTED**

The clerk's transcript is Exhibit A. The reporter's transcript is Exhibit B. Petitioner's opening brief on appeal and supplemental opening brief are Exhibit C. Respondent's Brief is Exhibit D. The reply brief is Exhibit E. The opinion of the Court of Appeal is Exhibit F. The petition for rehearing is Exhibit G. The order denying rehearing is Exhibit H. The petition for review is Exhibit I. The order denying review is Exhibit J.

The petition for writ of habeas corpus before the Court of Appeal is Exhibit K. Respondent has been unable to locate a copy of the Order denying said petition, however Petitioner has attached a copy of that order as an Exhibit to his petition for writ of habeas corpus. The petition for writ of habeas corpus filed in the California Supreme Court is Exhibit L. Petitioner has attached a copy of the order denying that petition as an exhibit to the Petition for Writ of Habeas Corpus.

IV**DENIAL OF CLAIMS**

Respondent denies all allegations in the petition for writ of habeas corpus except as admitted in the attached Memorandum of Points and Authorities which is hereby incorporated by reference.

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1 WHEREFORE, respondent requests that the petition for writ of habeas corpus be denied.
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3 Dated: November 15, 2007
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5 Respectfully submitted,
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7 EDMUND G. BROWN JR.
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23 /s/ ALLAN YANNOW
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